

absence of coverage in the HHS Acquisition Regulation, the Federal Acquisition Regulation. To ensure proper control of redelegated acquisition authorities, HCA's shall maintain a file containing successive delegations of HCA authority through and including the contracting officer level.

(b) Personnel delegated responsibility for acquisition functions must possess a level of experience, training, and ability commensurate with the complexity and magnitude of the acquisition actions involved.

Subpart 301.7—Determinations and Findings

SOURCE: 50 FR 23127, May 31, 1985 (interim rule) and 50 FR 38004, Sept. 19, 1985 (final rule), unless otherwise noted.

301.703 Class determinations and findings.

(b) All class determinations and findings (D&F's) shall be limited to a period of one year or less.

301.704 Content.

An example of a D&F format may be found in 316.301-3(c). All D&F's shall be prepared using the referenced format and shall include the information required by FAR 1.704(a)–(g).

PART 302—DEFINITIONS OF WORDS AND TERMS

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 302.1—Definitions

302.100 Definitions of terms.

Chief of the contracting office (CCO) is a mid-level management official in charge of a contracting office who controls and oversees the daily contracting operation of an Operating Division (OPDIV) or major component of an OPDIV. The CCO is subordinate to the principal official responsible for acquisition and is located at a management level above other contracting personnel, usually as a branch chief.

Head of the agency or *agency head* means the head of the Operating Division (OPDIV) for HCFA, OHDS, PHS, and SSA, or the Assistant Secretary

for Management and Budget (ASMB) for the Office of the Secretary (OS).

Head of the contracting activity (HCA)—see 301.670-2.

Principal official responsible for acquisition (PORA) is defined in terms of certain organizational positions within the Office of Management and Acquisition (OMAC-OS), Health Care Financing Administration (HCFA), Office of Human Development Services (OHDS), Office of the Assistant Secretary for Health (OASH), Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), Centers for Disease Control (CDC), Food and Drug Administration (FDA), Health Resources and Services Administration (HRSA), Indian Health Service (IHS), National Institutes of Health (NIH), Social Security Administration (SSA), and the Regional Offices (RO's), as follows:

OMAC-OS—Director, Division of Contract Operations

HCFA—Director, Office of Acquisition and Grants, Office of Budget and Administration

OHDS—Director, Grants and Contracts Management Division, Office of Management Services

OASH—Director, Division of Acquisitions Management, Administrative Services Center, Office of Management

ADAMHA—Director, Division of Grants and Contracts Management, Office of the Administrator

CDC—Director, Procurement and Grants Office, Office of the Center Director

FDA—Director, Division of Contracts and Grants Management, Office of the Associate Commissioner for Management and Operations

HRSA—Director, Division of Grants and Procurement Management, Office of Management

IHS—Director, Division of Contracts and Grants Policy, Office of Administration and Management

NIH—Director, Division of Contracts and Grants, Office of Administration

SSA—Associate Commissioner, Office of Acquisition and Grants

RO's—Director, Regional Administrative Support Center

The PORA is subordinate to the head of the contracting activity and is the official in charge of the major contracting operation activity within the

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OPDIV, agency, staff office, or regional office.

[49 FR 13964, Apr. 9, 1984, as amended at 51 FR 23231, June 26, 1986; 51 FR 44293, Dec. 9, 1986; 52 FR 27558, July 22, 1987; 53 FR 43207, Oct. 26, 1988; 54 FR 24342, June 7, 1989; 55 FR 13536, Apr. 11, 1990; 56 FR 47002, Sept. 17, 1991]

PART 303—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 303.1—Safeguards

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- 303.101 Standards of conduct.
- 303.101-3 Agency regulations.
- 303.104 Procurement integrity.
- 303.104-4 Definitions.
- 303.104-5 Disclosure of proprietary and source selection information.
- 303.104-6 Restrictions on Government officials, employees, and consultants.
- 303.104-9 Certification requirements.
- 303.104-11 Processing violations or possible violations.
- 303.104-12 Ethics program training requirements.

Subpart 303.2—Contract Gratuities to Government Personnel

- 303.203 Reporting suspected violations of the Gratuities clause.

Subpart 303.3—Report of Suspected Antitrust Violations

- 303.303 Reporting suspected antitrust violations.

Subpart 303.4—Contingent Fees

- 303.408 Evaluation of the SF 119.
- 303.408-1 Responsibilities.
- 303.409 Misrepresentations or violations of the Covenant Against Contingent Fees.

Subpart 303.5—Other Improper Business Practices

- 303.502 Subcontractor kickbacks.

Subpart 303.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

- 303.602 Exceptions.

Subpart 303.7—Voiding and Rescinding Contracts

- 303.704 Policy.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

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SOURCE: 49 FR 13964, Apr. 9, 1984, unless otherwise noted.

Subpart 303.1—Safeguards

SOURCE: 54 FR 31528, July 31, 1989, unless otherwise noted.

303.101 Standards of conduct.

303.101-3 Agency regulations.

The Department of Health and Human Services' Standards of Conduct are prescribed in Part 73 of Title 45.

303.104 Procurement integrity.

303.104-4 Definitions.

(h)(1) *Procurement official* means any individual who has participated personally and substantially in the conduct of a procurement. The following classes of employees may be considered procurement officials depending on the circumstances prevailing in a given case: contracting officers, contract specialists, contract administrators, procurement agents, procurement clerks, cost/price analysts, procurement analysts, clerical support and administrative personnel, auditors, professional staff of the Division of Cost Allocation, acquisition review and approval officials, contract clearance staff, board of award members, supervisory procurement officials, small and disadvantaged business utilization specialists, project officers, project managers, program officials, officials who provide special program clearances and approvals, program managers, technical evaluation panelists, peer reviewers, source selection evaluation board members, source selection advisory council members, source selection authorities, finance officials, and procurement lawyers. Concept peer reviewers are not considered to be procurement officials when participating in project concept reviews pursuant to 42 CFR 52h.10(a). However, concept peer reviewers, or other peer reviewers, who participate in a project approach review are procurement officials. When there is a question whether an individual is a procurement official, the activities of the individual should be analyzed by the contracting officer to determine